



BOARD OF VARIANCE A G E N D A

Thursday, November 5, 2020, 5:00 p.m.

Council Chamber, City Hall

4949 Canada Way, Burnaby, BC

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2. <u>MINUTES</u>	
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3.1. <u>BOV #6413 - 8891 Monroe Avenue (5:00 p.m.)</u>	8
APPELLANT: Bruce Shipley	
REGISTERED OWNER OF PROPERTY: Bruce Shipley	
CIVIC ADDRESS OF PROPERTY: 8891 Monroe Avenue	
LEGAL DESCRIPTION OF PROPERTY: LOT: 124 DL: 13 PLAN: NWP37088	
APPEAL: An appeal for the relaxation of Section 102.10 (Rear Yard) of the Burnaby Zoning Bylaw which, if permitted, would allow for the interior and exterior alterations, rear addition, and attached carport enclosed to garage to an existing single family dwelling at 8891 Monroe Avenue. This relaxation would allow for a rear yard depth of 7.76 metres (25.46 feet) where a minimum rear yard depth of 9.00 metres (29.50 feet) is required.	
3.2. <u>BOV #6414 - 4609 Union Street (5:15 p.m.)</u>	20
APPELLANT: Eric Law	

REGISTERED OWNER OF PROPERTY: Jack and Jane Kong

CIVIC ADDRESS OF PROPERTY: 4609 Union Street

LEGAL DESCRIPTION OF PROPERTY: LOT: 34 DL: 122 PLAN:
NWP1308

APPEAL: An appeal for the relaxation of Section 105.8(1) (Depth of Principal Building) of the Burnaby Zoning Bylaw which, if permitted, would allow for the conversion of an existing carport to a fully enclosed garage, basement finishing and removal of unauthorized suites at 4609 Union Street. This relaxation would allow for a principal building depth of 20.35 metres (66.75 feet) where a maximum depth of 18.30 metres (60 feet) is permitted.

3.3. BOV #6415 - 5680 Hyde Street (5:30 p.m.)

29

APPELLANT: Gurjot Bining

REGISTERED OWNER OF PROPERTY: Boota S Bining

CIVIC ADDRESS OF PROPERTY: 5680 Hyde Street

LEGAL DESCRIPTION OF PROPERTY: LOT: 14 DL: 75 PLAN:
NWP21257

APPEAL: An appeal for the relaxation of Section 105.8(2) (Depth of Principal Building) of the Burnaby Zoning Bylaw which, if permitted, would allow for the construction of a new two family dwelling with parking pads and accessory buildings at 5680 Hyde Street. This relaxation would allow for a principal building depth of 19.96 metres (65.48 feet) where a maximum depth of 17.22 metres (56.51 feet) is permitted.

4. NEW BUSINESS

5. ADJOURNMENT



BOARD OF VARIANCE M I N U T E S

Thursday, October 01, 2020, 5:00 p.m.
Council Chamber, City Hall
4949 Canada Way, Burnaby, BC

A Hearing of the Board of Variance was held in the Council Chamber, Main Floor, City Hall, 4949 Canada Way, Burnaby, B.C., and electronically on Thursday, **2020 October 01** at 5:00 p.m.

PRESENT: Mr. Stephen Nemeth, Chair
 Ms. Jacqueline Chan, Resident Representative (*participated electronically*)
 Mr. Rana Dhatt, Resident Representative
 Ms. Brenda Felker, Resident Representative
 Mr. Gulam Firdos, Resident Representative

STAFF: Mr. Maciek Wodzinski, Development Plan Technician
 Ms. Eva Prior, Administrative Officer
 Ms. Samantha Thompson, Council Support Assistant

1. **CALL TO ORDER**

The Chair called the meeting to order at 5:00 p.m.

The Chair, Mr. Nemeth recognized the ancestral and unceded homelands of the hən̓q̓əmiñəm and Skwxwú7mesh speaking peoples, and extended appreciation for the opportunity to hold a meeting on this territory.

The Chair reviewed the purpose of the Board of Variance Hearing, and provided instructions for any members of the public participating through teleconference.

2. **MINUTES**

2.1 **Minutes of the Board of Variance hearing held on 2020 September 03**

MOVED BY MR. RANA DHATT
SECONDED BY MS. BRENDA FELKER

THAT the minutes of the Burnaby Board of Variance Hearing held on 2020 September 03 be adopted.

CARRIED UNANIMOUSLY

3. **APPEAL APPLICATIONS**

3.1 **BOV #6412 – 8316 Government Road**

APPELLANT: Vikash Sami

REGISTERED OWNER OF PROPERTY: Culing Sami

CIVIC ADDRESS OF PROPERTY: 8316 Government Road

LEGAL DESCRIPTION OF PROPERTY: LOT: D DL: 40

PLAN: NWP22048 Group 1

APPEAL:

An appeal for the relaxation of Section 101.6(1)(a) (Building Height) of the Burnaby Zoning Bylaw which, if permitted, would allow a new single family dwelling with secondary suite and attached garage at 8316 Government Road. The following variances are being requested:

- (a) height of the principal building would be 9.86 metres (32.36 feet) where a maximum height of 9.0 metres (29.5 feet) is permitted. This would be measured from the rear average grade for the proposed single family dwelling with a sloping roof; and
- (b) height of the principal building would be 9.83 metres (32.24 feet) where a maximum height of 9.0 metres (29.5 feet) is permitted. This would be measured from the front average grade for the proposed single family dwelling with a sloping roof.

APPELLANT'S SUBMISSION:

A letter was received from Mr. Sami requesting a variance due to a slope within the first 30 feet of the property. Mr. Sami advised that the subject site has a 22% downward sloping driveway which causes difficulty when utilizing the driveway during the winter months. Further, Mr. Sami noted that his parents both have mobility issues and rely on the use of a cane and wheelchair to get around; however, with the driveway at the current grade, they risk getting injured more easily. Should the variance be granted, the downward slope would be reduced to 9.6% and the building roofline would be raised by only 2.79 feet. Mr. Sami noted that there would be little to no impact on the surrounding neighbor's views.

No one appeared before the Board regarding this appeal.

BURNABY PLANNING AND BUILDING DEPARTMENT COMMENTS:

Project	A new addition to an existing single family dwelling
Zoning	R2 Residential District
Neighbourhood	Sperling - single family neighbourhood
Appeal to vary:	Section 102.10 – “Rear yard” from 9.00 m (29.50 ft.) to 8.08 m (26.50 ft.) to allow for the construction of a new addition.
Zoning Bylaw intent:	Rear yard setbacks help to mitigate the massing impacts of new buildings and structures on neighbouring properties and to ensure sufficient outdoor living area in the rear yard.
Variance Description:	A two storey addition (ground floor storage and second floor bedroom extension) is proposed in the northwest (rear) corner of the existing dwelling. The addition would extend 0.92 m (3.00 ft.) into the required rear yard with its entire width of 4.23 m (13.87 ft.).

Comments

Subject Site Considerations
<ul style="list-style-type: none"> ○ The property is a corner rectangular lot, approximately 34.40 x 19.50 m (113.00 x 64.00 ft.), on the west side of Sperling Avenue (front) and on the north side of Jordan Drive (flanking street). ○ The property is relatively flat, with gentle north-south slope of approximately 0.60 m (2.00 ft.). ○ The siting of the existing dwelling on the property limits the options for an addition without requiring a variance.
Neighbourhood Context Considerations
<ul style="list-style-type: none"> ○ To the north, there is a detached garage in the southwest corner of the neighbouring property with an approximately 1.82 m (6.00) ft. rear yard setback and almost zero side yard setback. The portion of the proposed addition, encroaching in the rear yard, would be screened by this garage, thus any negative massing impact would be mitigated. To the west, the neighbouring dwelling features a generous rear yard setback of approximately 13.70 m (45.00 ft.) that would help mitigate massing impacts.
Specific Project Considerations
The proposed extension of the addition is a design choice that would be limited in scale and impact on neighbouring properties.

ADJACENT OWNERS' COMMENTS:

Correspondence was received from the owner/occupant of 8306 Government Road in favour of this appeal.

No in-person or telephone participants provided comments regarding this appeal.

MOVED BY MS. BRENDA FELKER
SECONDED BY MR. RANA DHATT

THAT based on the plans submitted, part (a) of this appeal be allowed.

DEFEATED
 (Opposed: Ms. Chan, Mr. Dhatt, Mr. Nemeth)

BOARD MEMBER COMMENTS: (PART A)

Mr. Nemeth found that hardship was evident due to physical site characteristics; however, this was not a minor variance and the result of a design choice.

Ms. Chan found that no hardship was evident.

Mr. Dhatt found that hardship was evident due to physical site characteristics; however, this variance was the result of a design choice.

Ms. Felker found that hardship was evident due to physical site characteristics and voted to approve the variance.

Mr. Firdos found that hardship was evident due to physical site characteristics and voted to approve the variance.

MOVED BY MS. BRENDA FELKER
SECONDED BY MR. RANA DHATT

THAT based on the plans submitted, part (b) of this appeal be allowed.

DEFEATED
 (Opposed: Ms. Chan, Mr. Dhatt, Mr. Nemeth)

BOARD MEMBER COMMENTS: (PART B)

Mr. Nemeth found that hardship was evident due to physical site characteristics; however, this was not a minor variance and the result of a design choice.

Ms. Chan found that no hardship was evident.

Mr. Dhatt found that hardship was evident due to physical site characteristics; however, this variance was the result of a design choice.

Ms. Felker found that hardship was evident due to physical site characteristics. Ms. Felker advised that it was a minor variance and voted to approve.

Mr. Firdos found that hardship was evident due to physical site characteristics and voted to approve the variance.

4. **NEW BUSINESS**

No items of new business were brought forward at this time.

5. **ADJOURNMENT**

MOVED BY MR. RANA DHATT
SECONDED BY MS. JACQUELINE CHAN

THAT the Hearing adjourned at 5:16 p.m.

CARRIED UNANIMOUSLY

 Mr. S. Nemeth, CHAIR

 Ms. J. Chan

 Mr. R. Dhatt

 Ms. B. Felker

 Ms. E. Prior
 ADMINISTRATIVE OFFICER

 Mr. G. Firdos



2020 Board of Variance Notice of Appeal Form

OFFICE OF THE CITY CLERK

Burnaby City Hall, 4949 Canada Way, Burnaby BC, V5G 1M2, Phone: 604-294-7290 Email: clerks@burnaby.ca

Applicant

Name of Applicant Bruce Shipley
 Mailing Address 8891 Monroe Avenue
 City/Town Burnaby Postal Code V3N 4E7
 Phone Number(s) (H) 604-524-2968 (C) _____
 Email bruce.shipley@telus.net

Property

Name of Owner Bruce Shipley
 Civic Address of Property 8891 Monroe Avenue
Burnaby, BC V3N4E7

I hereby declare that the information submitted in support of this application is, to the best of my knowledge, true and correct in all aspects, and further that my plans have no conflict with municipal bylaws other than those applied for with in this application.

Oct 26, 2020
 Date

[Signature]
 Applicant Signature

Office Use Only

Appeal Date 2020 NOV 05 Appeal Number BV# 6413

Required Documents:

- ☒ Fee Application Receipt
- ☒ Building Department Referral Letter
- ☒ Hardship Letter from Applicant
- ☒ Site Plan of Subject Property

Any documents submitted in support of this Board of
 Variance Appeal will be made available to the public

Owner:

Bruce Shipley

October 1, 2020

8891 Monroe Avenue, Burnaby BC

V3N 4E7

Re: 8891 Monroe Avenue

- Requesting relaxation to rear yard setback from 29.5' to 25.46'
- Zoning R2
- Lot 124 District Lot 13 PL 37088-1007866

To the members of the Board of Variance

I am appealing to the Board of Variance for the consideration and relaxation of the following:
R2 Residential Bylaw 102.10 Required minimum rear yard setback of 29.5' to 25.46' (4.04 ft.)

I have been the owner of 8891 Monroe Avenue for approximately 10 years. At issue is the setback of the garage/deck which was built without permit between 1982 & 1989 or at least 30 years ago.

This has come to the attention of the building department due to my request for a permit to make internal improvements in my basement but before that can proceed this issue needs resolution.

Removing the 4 feet of the garage is a significant task that will involve changes to structure, electrical, drainage, gutters, vinyl decking and railings and the single large wood garage door all of which will drive the requirement for redesign. Losing the four feet also impacts the ability to park a full-size vehicle thus aggravating the street parking which is contentious due to the number of secondary suites on the block. The removal of the 4 feet will not add yard but only expose more driveway. It should be noted that the lot depth is just under 100 feet not the more standard 120 feet. The garage/deck does not obstruct any view. I am requesting that the setback be left as it has been for approximately 30 years.

It is also most likely that this house will be demolished and a new home built when the next sale occurs as that has happened to the last 4 houses sold on the block.

To my knowledge there has never been a complaint about the garage/deck and in support of that I have spoken to the two neighbours closest to it who have agreed to provide statements to that effect.

Thank-you for your consideration on this matter.

Sincerely Bruce Shipley





BOARD OF VARIANCE REFERRAL LETTER

DATE: September 01, 2020			<i>This is not an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i>
DEADLINE: September 08, 2020 for the October 01, 2020 hearing.			
APPLICANT NAME: Bruce Shipley			
APPLICANT ADDRESS: 8891 Monroe Ave, Burnaby, BC V3N 4E7			
TELEPHONE: 604-524-2968			
PROJECT			
DESCRIPTION: Interior & Exterior alterations, attached carport enclosed to garage and rear addition to ESFD			
ADDRESS: 8891 Monroe Ave			
LEGAL DESCRIPTION:	LOT: 124	DL: 13	PLAN: NWP37088

Building Permit application BLD19-00975 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

Zone R2 / Section 102.10

COMMENTS:

The applicant proposes to build interior & exterior alterations and without a permit enclosed as well as enlarged an attached carport into a garage to an existing single family dwelling. In order to allow the Building Permit application to proceed, the applicant requests that the following variance be granted:

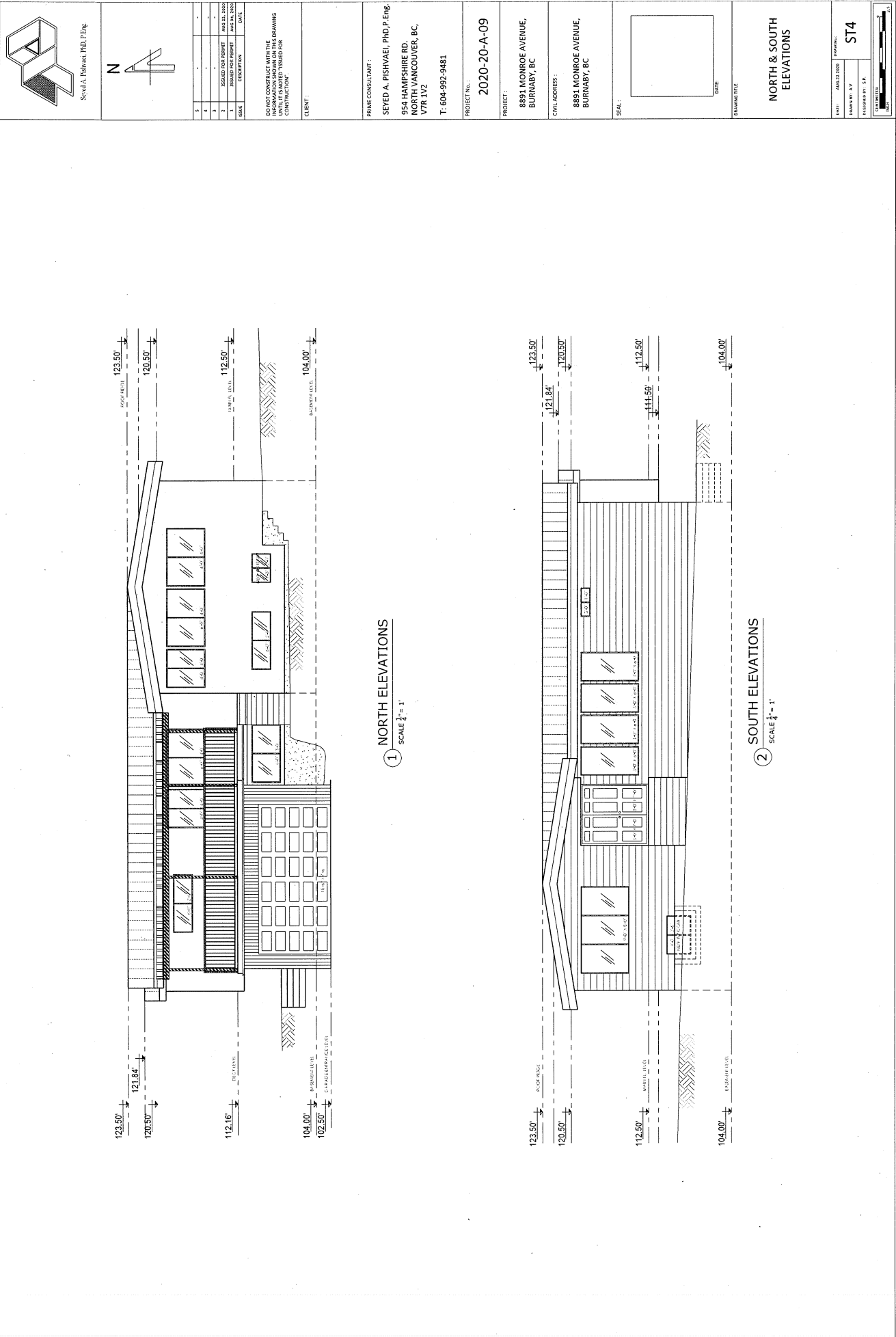
- 1) To vary Section 102.10 – “Rear Yard” of the Zoning Bylaw requirement for the minimum rear yard depth from 9.00 m (29.50 ft.) to 7.76 m (25.46 ft.). The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans.


Note:

1. The applicant recognizes that should the project contain additional characteristics in contravention of the Zoning By-law, a future appeal(s) may be required.
2. All new principal building projections into the resulting required yards will conform to the requirements of Section 6.12.
4. Fences and retaining walls will conform to the requirements of Section 6.14.

LM


Peter Kushnir
Deputy Chief Building Inspector





Seyed A. Pishvaei, P.E., P.Eng.

N



NO.	REVISION	DATE
1	ISSUED FOR PERMIT	AUG 22, 2020
2	ISSUED FOR PERMIT	AUG 22, 2020
3	ISSUED FOR PERMIT	AUG 22, 2020

DO NOT CONFLICT WITH THE INFORMATION SHOWN ON THIS DRAWING. ANY CHANGES MUST BE ISSUED FOR CONSTRUCTION.

CLIENT:


PRIME CONSULTANT:
SEYED A. PISHVAEI, P.E., P.Eng.
954 HAMPSHIRE RD.
NORTH VANCOUVER, BC,
V7R 1V2
T: 604-992-9481

PROJECT No.:
2020-20-A-09

PROJECT:
8851 MONROE AVENUE,
BURNABY, BC

CIVIL ADDRESS:
8851 MONROE AVENUE,
BURNABY, BC

SEAL:



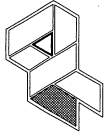
DATE:

DRAWING TITLE:
NORTH & SOUTH ELEVATIONS

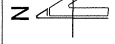
DATE	ISSUED FOR	BY
AUG 22, 2020	ISSUED FOR	ST4

DESIGNED BY: S.P.

SCALE: 1" = 10'



Seed A. Pishvaei, Ph.D., P.Eng.



NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	AUG 13, 2020
2	ISSUED FOR PERMIT	AUG 14, 2020
3	ISSUED FOR PERMIT	AUG 14, 2020

DO NOT CONTACT WITH THIS INFORMATION SHOWN IN THIS DRAWING UNLESS NOTED OTHERWISE.

CLIENT:

PRIME CONSULTANT:

SEYED A. PISHVAEI, PH.D., P.ENG.
954 HAMPSHIRE RD.
NORTH VANCOUVER, BC,
V7R 1V2
T: 604-992-9481

PROJECT No.:

2020-20-A-09

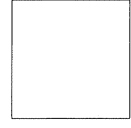
PROJECT:

8891 MONROE AVENUE,
BURNABY, BC

CIVIL ADDRESS:

8891 MONROE AVENUE,
BURNABY, BC

SEAL:

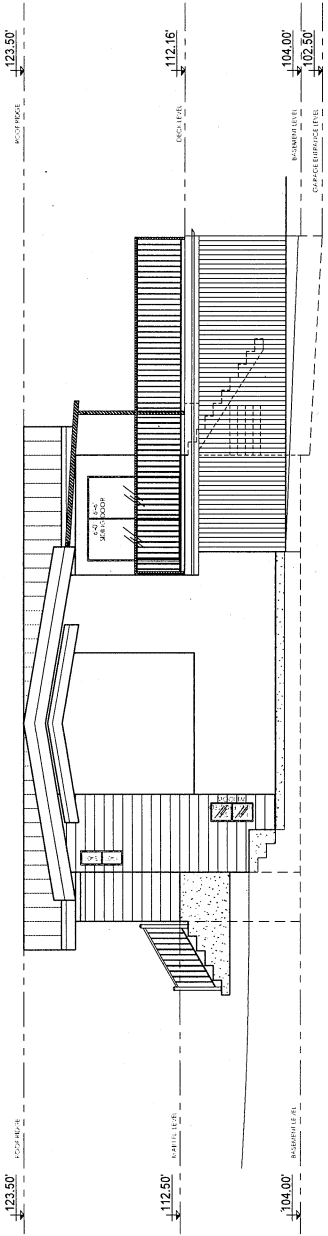


DATE:

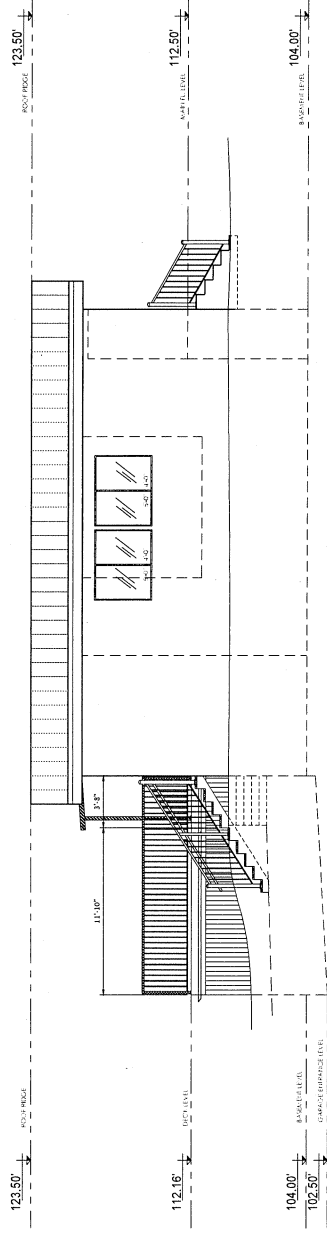
DRAWING TITLE:

NORTH & SOUTH
ELEVATIONS

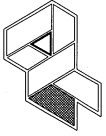
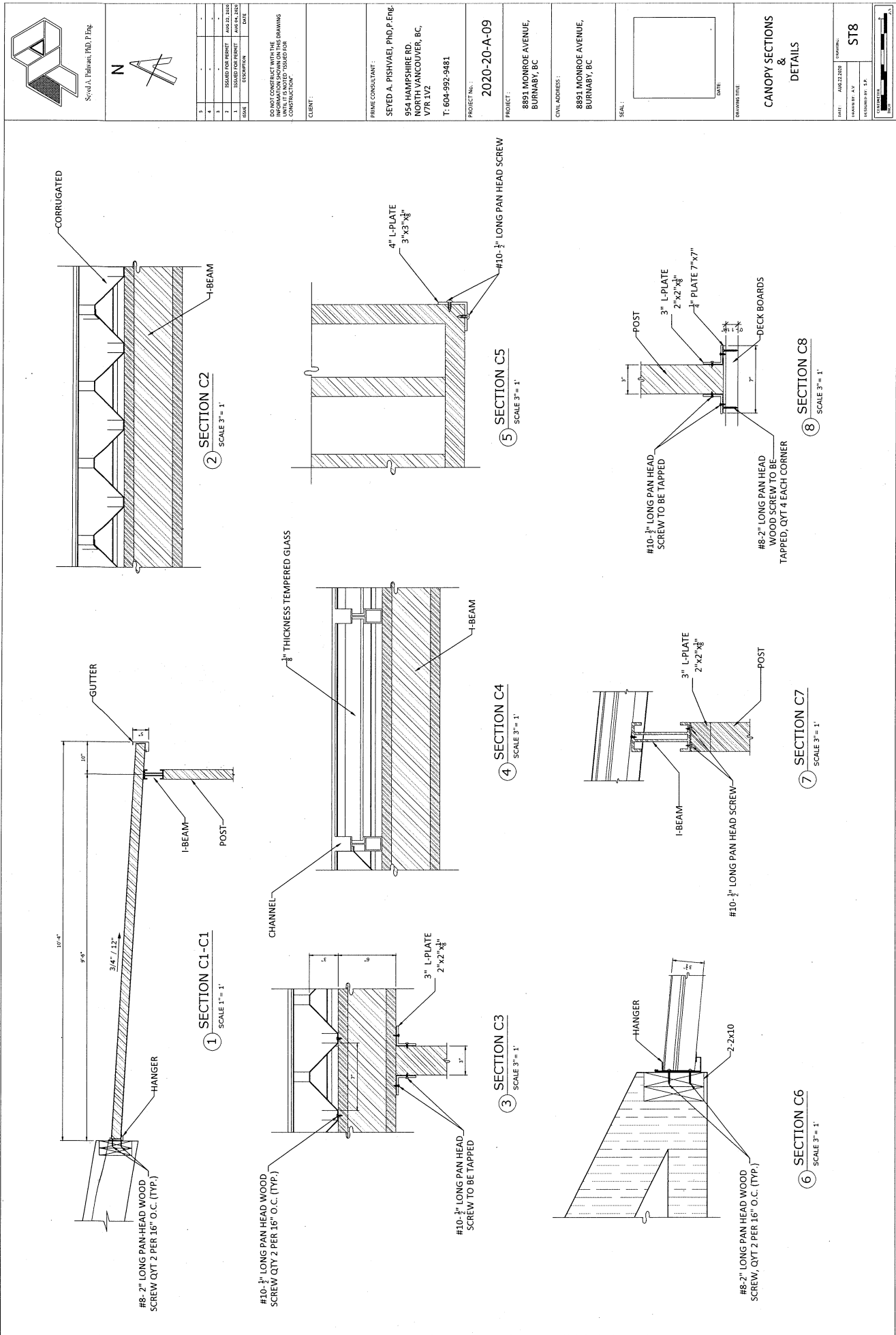
DATE: AUG 13, 2020
DRAWN BY: A.P.
CHECKED BY: S.P.
SCALE: 1/8" = 1'-0"



1 EAST ELEVATIONS
SCALE 1/8" = 1'



2 WEST ELEVATIONS
SCALE 1/8" = 1'



Steel A. Pishvaei, P.Eng.



NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	JAN 13, 2020
2	ISSUED FOR PERMIT	JAN 14, 2020
3	ISSUED FOR PERMIT	JAN 14, 2020
4	ISSUED FOR PERMIT	JAN 14, 2020
5	ISSUED FOR PERMIT	JAN 14, 2020

DO NOT CONSIDER ANY OF THE INFORMATION SHOWN ON THIS DRAWING TO BE A CONTRACT DOCUMENT UNLESS IT IS SPECIFICALLY IDENTIFIED AS SUCH.

CLIENT:

PRIME CONSULTANT:
SEYED A. PISHVAEI, PHD, P.Eng.
954 HAMPSPHIRE RD.
NORTH VANCOUVER, BC
V7R 1V2
T: 604-992-9481

PROJECT No.:

2020-20-A-09

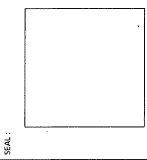
PROJECT:

8891 MONROE AVENUE,
BURNABY, BC

CIVIL ADDRESS:

8891 MONROE AVENUE,
BURNABY, BC

SCALE:



DATE:

DRAWING TITLE:

CANOPY SECTIONS
&
DETAILS

DATE: AUG 22, 2020
DRAWN BY: A.U.
REVIEWED BY: S.P.
ST8



10/2/2020 10:59:48 AM

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The information has been gathered and assembled on the City of Burnaby's computer systems. Data provided herein is derived from a number of sources with varying levels of accuracy. The City of Burnaby disclaims all responsibility for the accuracy or completeness of information contained herein.





BOARD OF VARIANCE PLANNING COMMENTS

BV #	6413	Address	8891 Monroe Avenue
X-Reference	BOV #20-00021	Hearing	2020 November 05

Project	Interior and exterior alterations and additions to a single family dwelling that were built without privilege of permit.
Zoning	R2 Residential District
Neighbourhood	Armstrong - single family neighbourhood

Appeal(s) to vary:	Section 102.10 “Rear Yard” of the Zoning Bylaw requirement for the minimum rear yard depth from 9.00 m (29.53 ft.) to 7.76 m (25.46 ft.).
Zoning Bylaw intent:	Rear yard setbacks help to mitigate the massing impacts of new buildings and structures on neighbouring properties and to ensure sufficient outdoor living area in the rear yard.
Variance Description:	An enclosed carport and a single storey addition (ground level garage) was built without permit in the north (rear) corner of the existing dwelling. The addition extends 1.24 m (4.07 ft.) into the required rear yard with its entire width of 6.10 m (20.00 ft.).

Subject Site Considerations

- The property is a mid block rectangular lot, approximately 24.08 x 30.16 m (79.00 x 98.95 ft.), on the north-west side of Monroe Avenue.
- The property has a gentle south-north slope of approximately 2.5 m (8.20 ft.).
- There is a 1.82 m (6.00 ft.) easement along front property line that does not affect the addition to the rear of the building.
- The existing dwelling, carport enclosure and non-conforming garage extension were constructed in a tandem configuration built between 1985 and 1989 without the privilege of permit.

Neighbourhood Context Considerations

- There is no consistent building pattern in the lane. There is a mix of attached and detached garages, accessible from the lane or from the front streets.
- Neighbouring property to south-west do not have a car access from the lane. The back yard is not affected due to grading differences between the lots and the distance to the subject garage which is located on the north-east side of the subject property.
- The neighbouring property to the north-east is slightly affected by the unpermitted carport enclosure and garage addition. However, the exposure is mitigated by a raised back yard and large tree on the neighbouring property covering the encroaching portion of the subject garage. The condition of the property will not be changed if the variance is allowed, due to the non-conforming garage being in the existing location for over 30 years.

Comments from the Planning Department


BV # 6413 8891 Monroe Avenue

X-reference: BOV # 20-00021

Hearing: 2020 October 01..... Page 2

Specific Project Considerations

- Demolishing approximately 1.24 m (4.07 ft.) of the garage to comply with the required rear yard setback, leaving a 5.50 m (18.04 ft.) long car garage (the minimum parking stall length required by the Off-street Parking Bylaw) is considered a drastic option based on the limited impact on the neighbouring properties.
- The raised back yards of both the subject and neighbouring properties are causing the garage to be partially sunken in comparison to the neighbouring back yards, which mitigates the massing impact on the neighbouring properties.



E.W. Kozak, Director
PLANNING AND BUILDING
MRW:ll

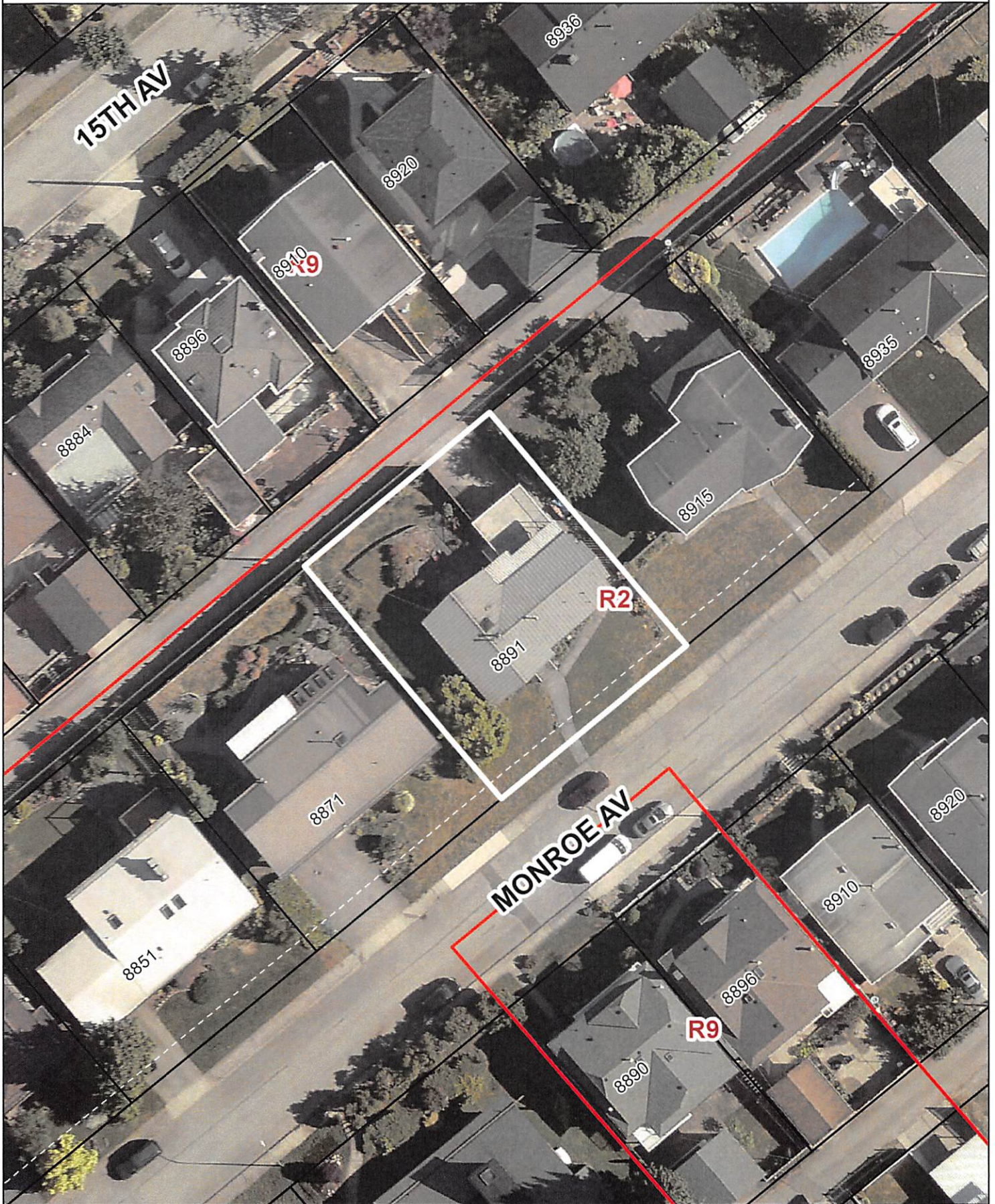


BV 6413

8891 MONROE AVENUE

2020 NOV 05

October 9, 2020





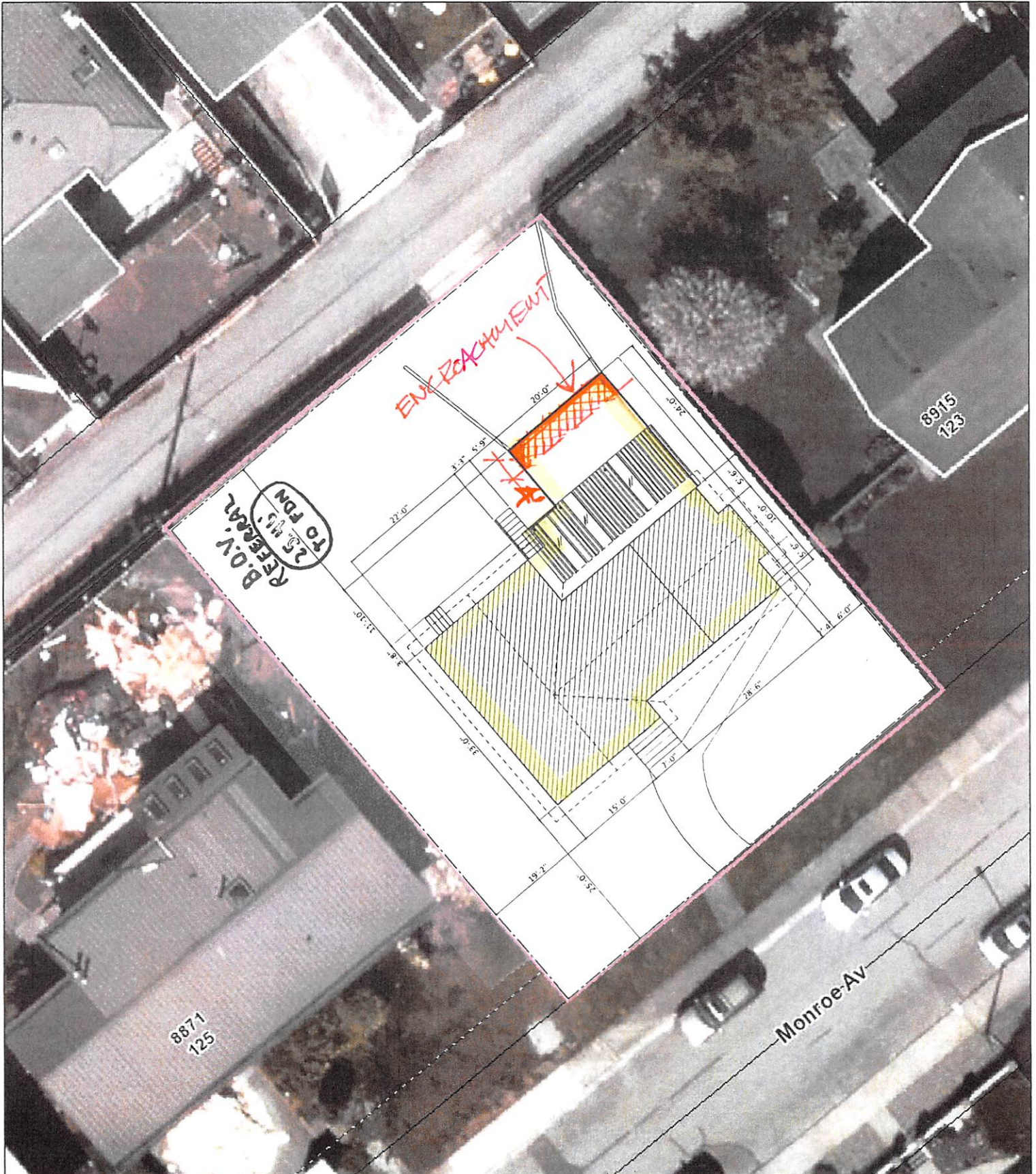
BV 6413

8891 Monroe Ave

2020 NOV 05

2020-10-09 15:53:49

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The information has been gathered and assembled on the City of Burnaby's computer systems. Data provided herein is derived from a number of sources with varying levels of accuracy. The City of Burnaby disclaims all responsibility for the accuracy or completeness of information contained herein.





2020 Board of Variance Notice of Appeal Form

OFFICE OF THE CITY CLERK

Burnaby City Hall, 4949 Canada Way, Burnaby BC, V5G 1M2, Phone: 604-294-7290 Email: clerks@burnaby.ca

Applicant

Name of Applicant ERIC LAW
 Mailing Address #216 288 W 8TH AVENUE
 City/Town VANCOUVER Postal Code V5Y 1N5
 Phone Number(s) (H) 604-505-2099 (C) _____
 Email ericlaw.architect@gmail.com

Property

Name of Owner JACK KONG
 Civic Address of Property 4609 UNION STREET

I hereby declare that the information submitted in support of this application is, to the best of my knowledge, true and correct in all aspects, and further that my plans have no conflict with municipal bylaws other than those applied for with in this application.

OCT 6, 2020
 Date

EW/LAW
 Applicant Signature

Office Use Only

Appeal Date 2020 November 05 Appeal Number BV# 6414

Required Documents:

- ☒ Fee Application Receipt
- ☒ Building Department Referral Letter
- ☒ Hardship Letter from Applicant
- ☒ Site Plan of Subject Property

Any documents submitted in support of this Board of
Variance Appeal will be made available to the public

To City of Burnaby

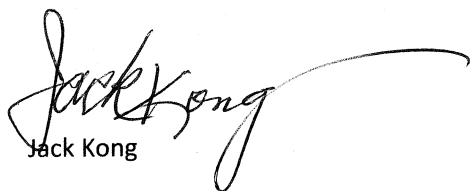
Board of Variance

Re: Garage enclosure - hardship letter 4609 Union Street, Burnaby BC

I am the Owner of the house at 4609 Union Street, and would like to enclose the carport to become a garage. The house was built in 1973, and the carport is attached to the main house. The City informed me that because of the current zoning bylaw, enclosed garage needs to be at the rear property line. I cannot enclose the carport like most of my neighbour houses do.

It will be a hardship to move the carport. Therefore, I would like to ask for a variance to allow for this carport enclosure.

Thank you,

A handwritten signature in black ink, appearing to read 'Jack Kong', with a long, sweeping horizontal line extending to the right.

Jack Kong

604-617-1863



BOARD OF VARIANCE REFERRAL LETTER

DATE: October 1, 2020		<i>This is not an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i>	
DEADLINE: October 6, 2020 for the November 5, 2020 hearing.			
APPLICANT NAME: Eric Law			
APPLICANT ADDRESS: 216-288 W 8th Avenue, Vancouver BC V5Y 1N5			
TELEPHONE: 604-505-2099			
PROJECT			
DESCRIPTION: Convert existing carport to a fully enclosed garage, Basement finishing and remove unauthorized suites.			
ADDRESS: 4609 Union Street			
LEGAL DESCRIPTION:	LOT: 34	DL: 122	PLAN: NWP1308

Building Permit application BLD20-00619 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

Zone R5 / Sections 105.8(1)

COMMENTS:

The applicant has converted an existing attached carport to a fully enclosed garage, will remove unauthorized suites and finish the Basement. In order to allow the Building Permit application to proceed, the applicant requests that the following variance be granted:

- 1) To vary Section 105.8(1) – “Depth of Principal Building” of the Zoning bylaw requirement for the maximum building depth from 18.30 m (60 ft.) to 20.35 m (66.75ft.). The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans.

Note:

1. The applicant recognizes that should the project contain additional characteristics in contravention of the Zoning By-law, a future appeal(s) may be required.
2. Principal building projection exemptions in the calculations of building depth will conform to the requirements of the Depth, Principal Building definition.
3. Retaining walls and Fences will conform to the requirements of Section 6.14

JQ

Kushnir

Peter Kushnir
Deputy Chief Building Inspector

REMEDIAL WORK TO REMOVE ILLEGAL SUITES AT
4609 UNION STREET, BURNABY, BC

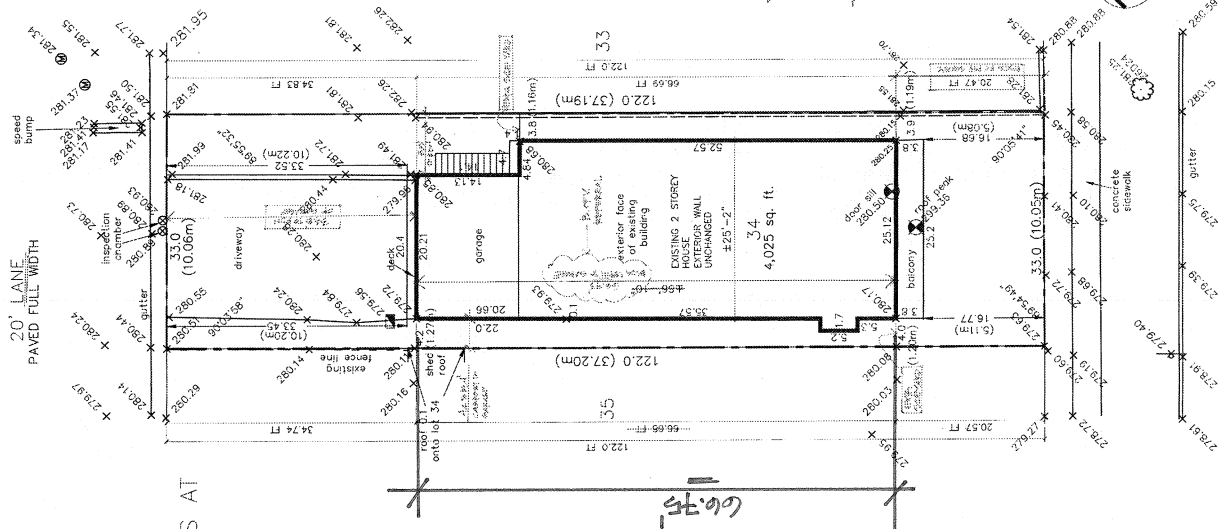
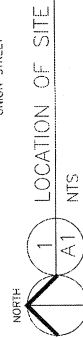
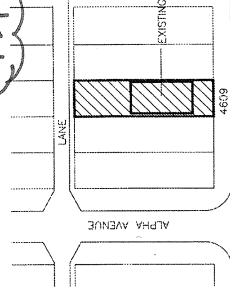
LEGAL DESCRIPTION: LOT 34, BLOCK 23, DISTRICT LOT 122, PLAN NWP 1306
LOT SIZE: 3745M 4026SF
ZONING: RS

SCOPE OF WORK:
IN RESPONSE TO CITY LETTER FILE B7119-01840 THIS SUBMISSION WORK IS TO:

- (1) REMOVE UNAUTHORIZED SUITES AT 1/F AND 2/F
 - (2) LEGALIZE EXISTING PARTITIONS AT 1/F
 - (3) REMOVE STRUCTURE OVER REAR DECK
 - (4) ENCLOSE EXISTING CARPORT TO BECOME GARAGE
- [BOARD OF VARIANCE APPROVAL REQUESTED TO ALLOW ENCLOSING THE EXISTING CARPORT]

- GENERAL NOTES:
1. THE FOLLOWING NOTES ARE TO BE INCLUDED WITH AND BECOME PART OF THE ATTACHED DRAWINGS
 2. ALL NEW WORKS CARRIED OUT SHALL CONFORM TO PART 9 OF THE BC BUILDING CODE 2018 INCLUDING ALL SUPPLEMENT AMENDMENTS AND/OR APPLICABLE BYLAWS AND ORDINANCES
 3. PRIOR TO COMMENCING WORK AND REPORT ANY DISCREPANCIES
 4. DO NOT SCALE DRAWINGS
 5. CONFIRM BUILDING SETBACK BEFORE COMMENCING CONSTRUCTION
 6. CONTRACTOR SHALL ENSURE THAT ALL WORK CARRIED OUT CONFORMS TO MANUFACTURER'S SPECIFICATIONS AND INSTRUCTIONS, AND IS PERFORMED WITH CARE AND DILIGENCE ACCORDING TO GOOD BUILDING PRACTICES

B.O.V. REFERRAL



EXISTING HOUSE INFORMATION
SITE AREA: 4025 SF
ZONING: RS

ALLOWABLE	EXISTING / PROPOSED
FLOOR AREA ON 0.1540254139956=2294 SF ON 0.1540254139956=1810 SF	---EXISTING-2379 SQ. FT. ---EXISTING-1810 SQ. FT.
LOT COVERAGE 40% = 1610 SF	---EXISTING-1615 SQ. FT. PROPOSED CARPORT TO BE ENCLOSED 450 SQ. FT.
GARAGE / CARPORT 452 SF	PROPOSED CARPORT TO BE ENCLOSED 450 SQ. FT.
BUILDING HEIGHT 28.5 FT	EXISTING ROOF RIDGE LEVEL: 295.36 LOWER FRONT GARAGE: 280.17 HEIGHT: 299.36-280.17= 19.19
BUILDING DEPTH 50% LOT LENGTH= 61 FT OR 60 FT	EXISTING: 66.66 FT.
FRONT YARD 18.7 FT AVERAGE: 26.71 FT	20.47 FT
REAR YARD 24.6 FT	34.74 FT.
SIDE YARD 4.0 FT	3.8 FT

ADDITIONAL NOTES:
- TOP BACKSETBACK IS SUBJECT TO THE B.C.A.
- CONTRACTOR'S INSPECTION AND OTHER
- THERE MAY BE BUILT-UP STRUCTURE ABOVE THE
- REAR YARD AS SHOWN

2 SITE PLAN FOR EXISTING HOUSE
1/8" TO 1'-0"

EXISTING HOUSE
AT
4609 UNION STREET
BURNABY BC
NOTES AND SITE PLAN

PROJECT NUMBER: 20-04
ISSUED: 9/10/2020
DRAWN BY: EL
CHECKED BY: EL
FILENAME: 20-04-RS-20009-01-01

A1

BUILDING PERMIT

SURVEY PLAN OF LOT 34
BLOCK 23, DISTRICT LOT 122, GROUP 1
NEW WESTMINSTER DISTRICT, PLAN 1308

SCALE 1" = 16'
All distances are in feet

RECEIVED
JUL 13 2020

BUILDING DEPARTMENT

Applicable Adjacent House	Depth of Front Yard
4601 Union street	34.02 ft
4603 Union street	34.01 ft
4613 Union street	19.04 ft
4619 Union street	19.77 ft
Total	106.84 ft
Average	26.71 ft

NOTES:


- Lot dimensions are derived from field survey.
- Elevations are based on the CVD28CVRD2015 Datum and are derived from control monument 77H6819 situated at the intersection of Georgia Street and Beta Avenue. Elevation = 302.31 feet.
- All trees and stumps shown as required by municipal bylaws.
- All elevations along curb lines are gutter levels.
- All dimensions are to exterior faces unless otherwise noted.
- Symbols plotted are for illustrative purposes and are not representative of their true size.


tw denotes top of wall.

bw denotes bottom of wall.

denotes catch basin

(M) denotes manhole

 denotes sign post

 denotes tree

8C10-1234(tree, tag number)

8C10-1234(tree tag number)
|| L drip line radius (feet)

C=coniferous

D=deciduous
diameter (inches)

CIVIC ADDRESS

4609 UNION STREET
BURNABY, B.C.

ZONING: R5

CERTIFIED CORRECT.
DATED THIS 24TH DAY OF JUNE, 2020

IVAN NGAN

B.C.L.S.

L	N	L	S
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METRO VANCOUVER
LAND SURVEYORS



4609 Union Street

10/6/2020 11:33:58 AM

1:1,000



The information has been gathered and assembled on the City of Burnaby's computer systems. Data provided herein is derived from a number of sources with varying levels of accuracy. The City of Burnaby disclaims all responsibility for the accuracy or completeness of information contained herein.





BOARD OF VARIANCE PLANNING COMMENTS

BV #	6414	Address	4609 Union Street
X-Reference	BOV #20-00022	Hearing	2020 November 05

Project	An existing single family dwelling with an attached garage which was created by enclosing an existing carport without a building permit. Other work unrelated to this variance request will remove two illegal suites, and refinish the basement.
Zoning	R5 Residential District
Neighbourhood	Brentwood Park - single and two family neighbourhood

Appeal(s) to vary:	Section 105.8(1) – “Depth of Principal Building” of the Zoning Bylaw requirement for the maximum building depth from 18.30 m (60.00 ft.) to 20.35 m (66.75 ft.).
Zoning Bylaw intent:	Limiting building depth prevents the construction of long, imposing building walls that impact neighbouring properties.
Variance Description:	The original dwelling and attached carport were built in 1974 when there were no restrictions on building depth. The new carport enclosure is subject to the current Zoning Bylaw requirements and as a result, the outermost portion of the garage exceeds the permitted maximum building depth by 2.06 m (6.75 ft.).
Subject Site Considerations	
<ul style="list-style-type: none"> ○ The subject site is an interior lot, 10.05 m (33.00 ft.) wide and 37.18 m (122.00 ft.) deep, fronting onto Union Street to the south and rear lane to the north. ○ The site is essentially flat. 	
Neighbourhood Context Considerations	
<ul style="list-style-type: none"> ○ The site is surrounded by single family dwellings on all sides. ○ Looking eastward along Union Street, this dwelling is part of a fairly consistent pattern of standard R5 front yard setbacks. ○ Most dwellings were constructed in the 1970’s and 1980’s, and have a similar height and massing to the subject dwelling. Earlier dwellings from the 1950’s and 1960’s are smaller, with deeper front yard setbacks. ○ Many dwellings have attached carports or garages with decks at the rear. ○ The dwelling at 4613 Union Street immediately east of the subject site was built before the Zoning Bylaw was changed to regulate building length. It has an attached carport with a deck on top which approximately lines up with the face of the newly enclosed carport/garage on the subject site. 	

Comments from the Planning Department

BV # 6414 4609 Union Street

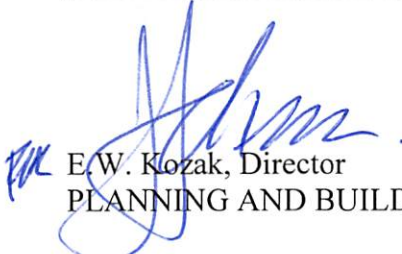
X-reference: BOV # 20-00022

Hearing: 2020 November 05..... Page 2

- The dwelling at 4603 Union Street immediately west of the subject property was also constructed before the Zoning Bylaw regulated building length. This dwelling has a rear deck joined onto a two car garage which extends from the rear of the dwelling to the lane.

Specific Project Considerations

- The dwelling is a modest size, measuring 14.86 m (48.75 ft.) long by 7.64 m (25.08 ft.) wide.
- At the rear, the enclosed carport/garage measures 6.30 m (20.67 ft.) deep, 6.17 m (20.25 ft.) wide.
- The overlength portion of the enclosed carport/garage is 2.06 m (6.75 ft.) deep by 6.17 m (20.25 ft.) wide, and 4.03 m (13.25 ft.) tall, including the deck guard.
- The overlength portion of the carport enclosure will have a minimal visual impact on the adjacent properties that have existed since the original carport and deck were constructed.
- Both adjacent properties have similar decks over attached carports or garages that are as long or longer than the subject deck and garage.


 E.W. Kozak, Director
 PLANNING AND BUILDING
 SK:ll



BV 6414

4609 UNION STREET

2020 NOV 05

October 8, 2020





2020 Board of Variance Notice of Appeal Form

OFFICE OF THE CITY CLERK

Burnaby City Hall, 4949 Canada Way, Burnaby BC, V5G 1M2, Phone: 604-294-7290 Email: clerks@burnaby.ca

Applicant

Name of Applicant Gurjot Bining
 Mailing Address 7692 126A Street
 City/Town Surrey Postal Code V3W4A9
 Phone Number(s) (H) 604-572-6732 (C) 778-714-6355
 Email gurjot_95@hotmail.com

Property

Name of Owner Boota Singh Bining
 Civic Address of Property 5680 Hyde Street

I hereby declare that the information submitted in support of this application is, to the best of my knowledge, true and correct in all aspects, and further that my plans have no conflict with municipal bylaws other than those applied for with in this application.

Oct. 6, 2020
 Date

Gurjot Bining
 Applicant Signature

Office Use Only

Appeal Date 2020 Nov 05 Appeal Number BV# 6415

Required Documents:

- ☒ Fee Application Receipt
- ☒ Building Department Referral Letter
- ☒ Hardship Letter from Applicant
- ☒ Site Plan of Subject Property

Any documents submitted in support of this Board of
 Variance Appeal will be made available to the public

October 05, 2020

Board of Variance Committee
City of Burnaby,
4949 Canada Way, Burnaby, BC V5G 1M2

RE: Board of Variance Hardship Letter for 5680 Hyde Street, Burnaby BC

Dear Members of the Board of Variance Committee,

We write to you and ask for your consideration for the variance application at the above noted property. The lot is zoned Residential District (R5) and has a lot size of 9,928 sq.ft. The plan is to construct a semi-detached two-family dwelling unit and the variance we are requesting is in relation to Building Depth. All other aspects for the design and construction of the proposed residence meet the City of Burnaby Zoning Bylaw requirements. The maximum permitted building depth for this property is 56.51' (17.225m) and the current proposal is for a building depth of 65.48 ft (19.96m).

We feel that the primary hardship for this property is the lot configuration. Since the property is located on a cul-de-sac and is also pie shaped, the setback lines create arced and pointed areas where a logical design cannot be placed. The proposed house is following the average front setback of 41.61' (12.69m) which helps to maintain the front yard streetscape of the neighbourhood with houses setback a good distance from the street.

The design of the residence was created by working with the constrained setback lines, and designing the most cost-effective approach to the site which in turn created a true depth of the proposed building of 31.50' (9.60m). If this property was a traditional rectangular parcel, similar to the property located to the East at 5710 Hyde Street, the permitted building depth would be 53.44'. With our proposed true building depth of 31.50' (9.60m), the proposed semi-detached dwelling would be well under the permitted depth and therefore be in compliance with the City of Burnaby's Zoning Bylaw.

We thank you for your time and consideration regarding this variance request and are hoping for a favourable outcome.

Regards,
Adam Quiñones,
Home Designer for 11937723 BC Ltd. (property owners of 5680 Hyde Street)



BOARD OF VARIANCE REFERRAL LETTER

DATE: September 29, 2020			<i>This is not an application. Please submit this letter to the Clerk's office (ground floor) when you make your Board of Variance application.</i>
DEADLINE: October 6, 2020 for the November 5, 2020 hearing.			
APPLICANT NAME: Gurjot Bining			
APPLICANT ADDRESS: 7692 126A Street, Surrey, BC V3W 4A9			
TELEPHONE: 778-714-6355			
PROJECT			
DESCRIPTION: New Two Family Dwelling with Parking Pads and Accessory Buildings			
ADDRESS: 5680 Hyde Street			
LEGAL DESCRIPTION:	LOT: 14	DL: 75	PLAN: 21257

Building Permit application BLD20-00642 will be denied by the Building Department because the design is not in compliance with Burnaby Zoning Bylaw No. 4742:

Zone R5 / Sections 105.8 (2)

COMMENTS:

The applicant proposes to build a **New Two Family Dwelling with Parking Pads and Accessory Buildings**. In order to allow the Building Permit application to proceed, the applicant requests that the following variance be granted:

- 1) To vary Section 105.8 (2) – “Depth of Principal Building” of the Zoning bylaw requirement for the maximum building depth from 17.22 m (56.51 ft.) to 19.96 m (65.48 ft.). The applicability of this variance, if granted, is limited to the scope of the proposal shown on the attached plans.

Note:

1. The applicant recognizes that should the project contain additional characteristics in contravention of the Zoning By-law, a future appeal(s) may be required.
2. Principal building projection exemptions in the calculations of building depth will conform to the requirements of the Depth, Principal Building definition.
3. Fences and retaining walls will conform to the requirements of Section 6.14.

MSA

Peter Kushnir
Deputy Chief Building Inspector

This drawing and design are the property of the designer and shall not be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the designer. The contractor shall conduct the design in all respects in accordance with the design and shall be responsible for the design and shall be responsible for the design and shall be responsible for the design.

PROJECT NAME: 5680 HYDE STREET - P&Y
DRAWING TITLE: 5680 HYDE STREET B&Y BC
ADDRESS: 11937723 BC LTD.
CONTRACTOR: 11937723 BC LTD.

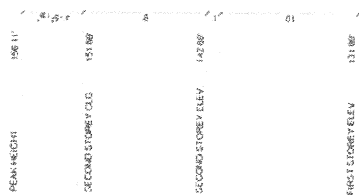
DATE: JULY 2020
SCALE: AS NOTED
DWG NO: 11937723 BC LTD.

OWNER'S DESIGN:
5680 HYDE STREET
WHITE ROCK, BC
V7B 6N1
Tel: 778-691-2200
Email: garrett@pandora.com

FOUNDATION PLAN:
SCALE: 1/4" = 1'-0"

The drawing is a foundation plan for two units, Unit A and Unit B. Unit A is a rectangular structure with overall dimensions of 12'-0" by 12'-0". It has a central core with a width of 6'-0" and a depth of 6'-0". The core is surrounded by a foundation wall with a thickness of 1'-0". Unit B is a rectangular structure with overall dimensions of 12'-0" by 12'-0". It has a central core with a width of 6'-0" and a depth of 6'-0". The core is surrounded by a foundation wall with a thickness of 1'-0". The drawing shows the foundation walls, footings, and the relationship between the two units. Dimensions are given in feet and inches. The drawing is oriented with Unit A on the left and Unit B on the right.

[illegible]



SPACING SEPARATION
 1/2" x 1/2" @ 500 H WALL AREA 640 SQ FT
 PERMITTED OPENINGS 5120 SQ FT (0.04%)
 PROPOSED OPENINGS 4050 = 70.50 FT²
 TOTAL 250 FT²
 25.00 FT²

LEFT (EAST) ELEVATION:
SCALE 1" = 10'

DATE	JULY 2020	DRAWING TITLE	6680 HYDE STREET - BBY
SCALE	AS NOTED	6680 HYDE ST - SEMI DETACHED	119371723 BC LTD.
DRAWN BY	PROJECT NAME	DEVELOPER	6680 HYDE STREET

AT 307 672 (b)
NARS IN SANCTUARY

A6

Architectural drawings for Unit A and Unit B Workshops, including floor plans, sections, and elevations. The drawings are oriented horizontally on the page.

UNIT A WORKSHOP: FLOOR PLAN
SCALE: 1/4" = 1'-0"

UNIT A WORKSHOP: SECTION
SCALE: 1/4" = 1'-0"

UNIT B WORKSHOP: FLOOR PLAN
SCALE: 1/4" = 1'-0"

UNIT B WORKSHOP: SECTION
SCALE: 1/4" = 1'-0"

UNIT A WORKSHOP: SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

UNIT A WORKSHOP: EAST ELEVATION
SCALE: 1/4" = 1'-0"

UNIT B WORKSHOP: SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

UNIT B WORKSHOP: WEST ELEVATION
SCALE: 1/4" = 1'-0"

UNIT B WORKSHOP: NORTH ELEVATION
SCALE: 1/4" = 1'-0"

UNIT B WORKSHOP: WEST ELEVATION
SCALE: 1/4" = 1'-0"

UNIT B WORKSHOP: SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

SECTION NOTES:

- 1. ROOF: ASPHALT/SHINGLE'S
- 2. EXTERIOR WALL: STUCCO & WIRE LATH
- 3. GARAGE FLOOR: 4" CONCRETE SLAB
- 4. FOUNDATION: 8" CONCRETE ON 8" X 20" STRIP FOOTING
- 5. MILL POLY VAPOR BARRIER
- 6. 1/2" PLYWOOD
- 7. 1/2" PLYWOOD
- 8. 20 INSULATION (OPTIONAL)
- 9. 8 MIL POLY VAPOR BARRIER
- 10. 1/2" OUTSIDE BOARD
- 11. 1/2" OUTSIDE BOARD
- 12. 1/2" OUTSIDE BOARD
- 13. 1/2" OUTSIDE BOARD
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- 99. 1/2" OUTSIDE BOARD
- 100. 1/2" OUTSIDE BOARD

CLINIQUE'S DESIGN
(61) 778.891.2235
(61) 468.891.2235
A8



5680 Hyde Street

10/6/2020 11:20:46 AM

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The information has been gathered and assembled on the City of Burnaby's computer systems. Data provided herein is derived from a number of sources with varying levels of accuracy. The City of Burnaby disclaims all responsibility for the accuracy or completeness of information contained herein.





BOARD OF VARIANCE PLANNING COMMENTS

BV #	6415	Address	5680 Hyde Street
X-Reference	BOV #20-00023	Hearing	2020 November 05

Project	New two family dwelling with two detached accessory buildings
Zoning	R5 Residential District
Neighbourhood	Douglas Road - single and two family neighbourhood

Appeal(s) to vary:	Section 105.8(2) – “Depth of Principal Building” of the Zoning Bylaw requirement for the maximum building depth based on 50% of the lot depth from 17.22 m (56.51 ft.) to 19.95 m (65.48 ft.) to allow construction of a new two family dwelling.
Zoning Bylaw intent:	Limiting building depth prevents the construction of long, imposing building walls that impact neighbouring properties.
Variance Description:	As a result of the rotated position of the dwelling in relation to the lot depth, the two diagonally opposite corners of the dwelling exceed the permitted building depth by 2.73 m (8.97 ft.), combined.
Subject Site Considerations	
<ul style="list-style-type: none"> ○ This irregular interior lot is roughly pie shaped with, 32.58 m (106.88 ft.) of depth along the east side property line. The frontage is 12.80 m (42.00 ft.) along the Hyde Street cul-de-sac (north); the lot widens until it measures 41.52 m (136.25 ft.) wide at the rear property line. ○ Vehicular access to the subject site is via the rear lane. ○ The site has a slight upward slope of 1.21 m (4.00 ft.) from the front to the rear. 	
Neighbourhood Context Considerations	
<ul style="list-style-type: none"> ○ The site is surrounded by single family dwellings on all sides. ○ Efforts have been made to fit the two family dwelling into the existing streetscape and the challenging geometry of the site: <ul style="list-style-type: none"> - The design observes the required front yard setback of 12.69 m (41.63 ft.) as required by front yard averaging. - The proposed design provides the required side yard setback of 1.5 m (4.9 ft.) on the east and slightly exceeds the required yard setback on the west 1.61m (5.29 ft.). - Each unit has a detached workshop/single car garage at the lane, which breaks up the massing of the building. ○ To the east, a garage at 5710 Hyde Street acts as a buffer between that property’s dwelling and Unit “B” of the proposed two family dwelling. There are no windows that face onto Unit “B”. ○ On the west, the front façade of Unit “A” is set back 4.87 m (16.00 ft.) behind the southern corner of the front façade of 5678 Hyde Street. 	

Comments from the Planning Department

BV # 6415 5680 Hyde Street

X-reference: BOV # 20-00023

Hearing: 2020 November 05..... Page 2

- The massing on the west side is broken up: the first 2.43 m (8.00 ft.) of the side wall of Unit "A", is the closet parallel face to the west side property line. The remainder of the side wall, 7.16 m (23.50 ft.) long, continues at an approximately 45 degree angle away from this property line, shared with 5678 Hyde Street.
- Due to the similar pie shape lot geometry, 5678 Hyde Street is placed at an angle on its lot, so that the rear of the dwelling is facing to the southwest and away from the subject site. The dwelling features two windows on its southeast side, facing the subject site, but the general angled relation and a generous distance of at least 4.57 m (15.00 ft.) between the two buildings would help mitigate the massing impacts.
- The properties across the rear lane are situated higher on the slope, and solid fencing blocks views of the subject site.

Specific Project Considerations

- The building depth calculation is based on the building depth as projected onto the lot depth, which is the line joining the centre points of the front and rear property lines. In this case, the points are the midpoint of the curving front property line and a point which is 20.73 m (68.00 ft.) west of the east side property line. As measured along this centre line, the site is approximately 34.45 m (113.02 ft.) deep. Due to the site geometry, the centre line is angled in relation to the front and side property lines.
- The two points used to measure the building depth are the northeast corner of Unit "B" and the southwest corner of a patio roof which extends from the west side of Unit "A".
- Measured to the south western tip of the patio roof, the building depth measures 21.15 m (69.42 ft.), but 1.20 m (3.94 ft.) of the patio roof overhang is an allowable projection. Therefore, when the roof overhang is deducted, the proposed building depth is 19.95 m (65.48 ft.), and thus the variance request is for 2.73 m (8.97 ft.) of excessive length.
- The same design on a rectangular lot would have a building depth of 9.60 m (31.50 ft.) deep, as measured from the exterior face of the front façade to the exterior face of the farthest point of the rear façade.
- In this case, the actual depth of both dwelling units facing the side property lines is 9.60 m (31.50 ft.) long. This is substantially less than the maximum permitted building depth of 17.22 m (56.51 ft.).
- The proposal would not create a long, imposing "wall" as viewed from the immediately adjacent properties on the east and west.


 E.W. Kozak, Director
 PLANNING AND BUILDING

SK:ll

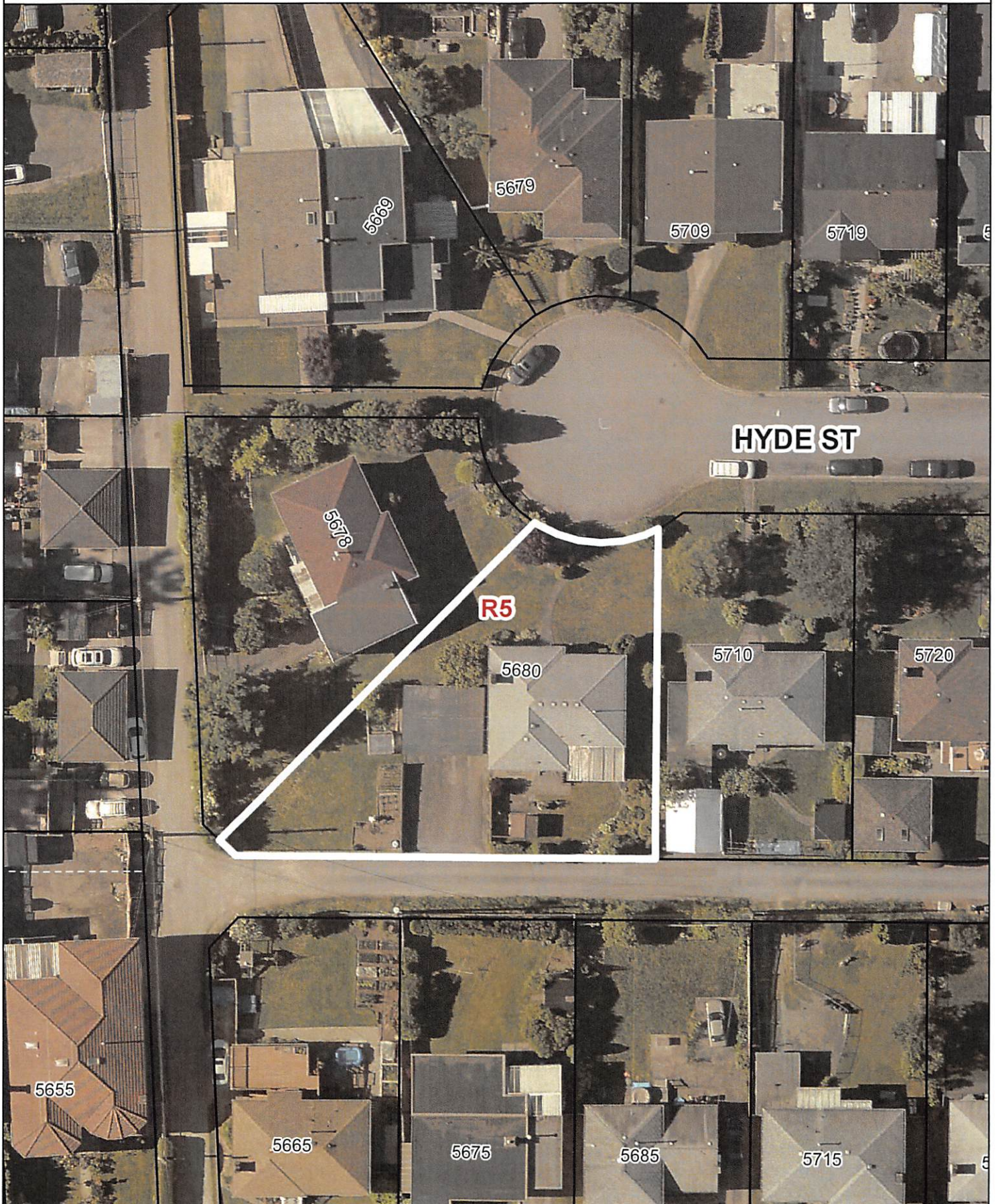


BV 6415

5680 HYDE STREET

2020 NOV 05

October 15, 2020





BV 6415

5680 HYDE STREET

2020 NOV 05

October 15, 2020

